

## REMARKS

These remarks are in response to the Office Action, designated FINAL, of Examiner Ghau T. Nguyen, dated 18 Dec 2003.

Claims 1, and 3-11 are in the case, none having been allowed.

### **35 U.S.C. 103**

Claims 1, 3-5 and 9-11 have been rejected under 35 U.S.C. 103(a) over Jones et al., U.S. Patent 6,199,098 in view of Junkin, U.S. Patent 6,493,717.

Claims 6-8 have been rejected under 35 U.S.C. 103(a) over Jones, et al. and Junkin, in view of Kerry A. Lehto et al., *Introducing Microsoft FrontPage97* (Microsoft Press: 1997), pages 144-158.

Applicants traverse, and argue that the Examiner has not established a prima facie case of obviousness, which requires that the Examiner provides

1. one or more references
2. that were available to the inventor and
3. that teach
4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

The fourth element of the prima facie case, the suggestion to combine, must come from the prior art. It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the elements. That a claimed invention may employ known principles does not itself establish that the invention would have been obvious, particularly where those principles are employed to deal with different problems. The Examiner must consider the claim as a whole, and not piece together the claimed invention using the claims as a guide. The Federal Circuit has stated: "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. [See *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992)].

To reach a conclusion of obviousness under § 103, the Examiner must produce a factual basis supported by a teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Such evidence is required in order to establish a prima facie case. The Examiner must not only identify the elements in the prior art, but also show some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references.

A rejection under 35 U.S.C. § 103 must be based on whether there is a teaching, motivation, or suggestion to select and combine the references based on objective evidence of record. Therefore, the Examiner must identify a reason, suggestion, or motivation which would have led an inventor to combine those references.

In the present application, applicants assert that the combinations suggested by the Examiner cannot be combined to teach applicants invention, and the attempt to do so draws upon the teachings of applicants' own invention and not from motivation found in the cited references.

Applicants previously amended the claims to recite the site navigation view. A site navigation view is a Domino-like view 109 that describe the main content areas 106, and such Domino views 109 are indexes on content areas that are architected to be dynamically updated to reflect changes to the content area. Applicants agent updates the TOC with reference to this view, and does not require (as will be discussed below) user entry of key-value pairs to identify the material in the database to be refreshed.

Jones et al. pertains to the expandable nature of a site map or table of contents (TOC), but not to the content of the map or the TOC itself. Thus, Jones et al. teaches:

"The present invention provides a method and apparatus for navigating through electronically store information using an expandable, hierarchical index or TOC...."  
[Col. 3, lines 18-21.]

"The end-user can continue to incrementally expand and/or contract the hierarchical display of the table of contents." [Col. 5, lines 8-9.]

The reference at Col. 5, line 54 to "currently desired

display state" relates to the state of expansion or contraction of the hierarchical structure, and not to the content of the map or TOC itself. Unlike a Domino view on a content database, which view in Domino is automatically updated with changes to the database (content area), Jones et al. uses static HTML files that have to be modified to be included in a map or TOC, and are not dynamically updated to reflect changes to a content area.

The Examiner observes that Jones does not explicitly teach providing a site navigation view as an index on the content database, the index being dynamically updated whenever additions and deletions of area category or content items are made to the content database, and executing an agent to access the site navigation view to obtain and display to the user current area category and items from the content database.

For these teachings, the Examiner refers to Junkin, specifically referencing the Abstract, Col. 4, lines 20-28; Col. 4, line 29 to Col. 5, line 29; Figs. 2, 3, and 4; and Col. 1, line 64 to Col. 2, line 2.) It is this application of Junkin which applicants respectfully traverse.

Junkin teaches a system and method for managing database information to be presented in HTML format for retrieval and display by a Web browser. It is important to note that the Web GUI of Junkin is used for both browsing and maintaining the database (see Col. 4, line 22 and lines 45-51), and that the data crawler is keyed off of URL and key-value pairs entered by the user to tell the program what part of the table of contents to send back to the user. Junkin describes the DataCrawler system beginning at Col. 7, line 26. Beginning at Col. 9, line 41, its operation is described. Attention is directed to the following statements:

"In operation, the Program executes as follows. The Program receives a URL address along with an argument list of KEY=VALUE pairs from the end-user... Control of the Program is determined by the Argument list. The Argument list provides essentially all of the information needed to identify the user and format the HTML page. This list of Key=Value pairs contains all of the program variables that are needed by the system."

Applicants invention, on the other hand, does not

require the use of key-value pairs. Rather, an independent agent, and not the user interface, is used which takes as input whatever is in the current view and does not require that the user enter key-value pairs.

In applicants invention, responsive to a change in data content, an agent rebuilds the view on that data to show updated content. When the user opens a page to obtain a site map, the agents reads the updated view and builds the updated page with the entire map for display to the user.

Domino agent 108 is provided to "lookup" into the views 109 that describe the main content areas 106 for new or changed content, and present the most current results to the user 114 in display of site map 116 or TOC 104.  
[Specification, page 5, lines 16-20.]

This distinction with respect to Junkin is already in the claims. For example, claim 1 recites:

providing a site navigation view as an index on said content database, said index being dynamically updated whenever additions and deletions of area category or content items are made to said content database...

... user request for display of said site view,  
executing an agent to access said site navigation view  
to obtain and display to said user current area  
category and content items...

The emphasis is added to highlight distinction with respect  
to Junkin, which does not access a site navigation view but  
rather requires that the user input key-value pairs.

This same distinction is present in all of the  
independent claims.

Applicants request that amended claims 1-5 and 9-11 be  
allowed.

Claims 6-8 depend from claim 5, and are distinguished  
from the Jones and Junkin references as described above.  
With respect to claims 6-8, the Examiner relies on the  
teachings of Jones and Junkin as applied to claims 1-5 and  
9-11, and adds reference to the Kerry Lehto book.

As discussed above, applicants' agent is not a  
DataCrawler. Applicants' agent builds the updated TOC with  
reference to the view, and not with reference to user input



of key-value pairs as is required by Junkin.

The Kerry Lehto book reference relates to FrontPage. Though not described in the portion cited, FrontPage has procedures called WebBots, which are actions to do something or create something. In the case of the Table of Contents (TOC) WebBot, this bot will 'rebuild' the site's TOC based on any new content by crawling the site to determine what pages are new or deleted and update a static HTML page.

"The TOC WebBot will automatically crawl through your web's pages and collect and display a table of contents on the main page. The default sets the WebBot to update your TOC whenever you open and save the main page. But you can check the box to Recompute table of contents when any other page is edited; however this means more processing time. If your site is large, updating the TOC for every edit is probably not worthwhile." [Accessed on or before 8/22/2003 at <http://www.katsueydesignworks.com/fptips2.htm>].

In contrast, applicants use and claim the use of an index (the site navigation view) to the content pages rather than the pages themselves (as in FrontPage). In applicant's

case, the update action for a large site will not increase in performance because of this index.

As previously discussed, the Junkin reference does not teach applicants agent which references the view (as distinguished from key-value pairs input by the user) to display an updated TOC. Consequently, the combination of Junkin, Kerry Lehto, and Jones does not teach applicants invention as set forth in claims 6-8.

Applicant requests that claims 6-8 be allowed.

#### **SUMMARY AND CONCLUSION**

Applicants urge that the above amendments be entered and the case passed to issue with claims 1, and 3-11.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive

assistance and suggestions in accordance with M.P.E.P.  
Sections 707.02(j) and 707.03 in order that allowable claims  
can be presented, thereby placing the Application in  
condition for allowance without further proceedings being  
necessary.

Sincerely,

M. D. Smith

By

  
Shelley M Beckstrand  
Reg. No. 24,886

Date: 15 Mar 2004

Shelley M Beckstrand, P.C.  
Attorney at Law  
314 Main Street  
Owego, NY 13827

Phone: (607) 687-9913  
Fax: (607) 687-7848